It is suggested in the principal case that the conductor on a logging train is a mere special agent of the company, and that on this account notice is presumed of any restrictions imposed upon his right to represent the carrier. It follows that he is incapable of waiving conditions imposed upon the granting of passage upon his train, and there is authority for this view in the analogous case of freight trains. *Neice* v. *Chi. & A. R. Co.*, 254 Ill. 595, 98 N. E. 989; *Eaton* v. *Del., etc., R. Co.*, 57 N. Y. 382, 15 Am. Rep. 513. But if the trains ordinarily carry passengers the rule is otherwise. *Wagner* v. *Mo., etc., R. Co.*, 97 Mo. 512, 10 S. W. 486, 3 L. R. A. 156; *Harvey* v. *Deep River Logging Co.*, 49 Ore. 583, 90 Pac. 501, 12 L. R. A. (N. S.) 131. When such is the case the restrictions are in the nature of secret limitations upon a general agent and are unenforceable by the general laws of agency, as to persons who deal with that agent in ignorance of them. *Brown* v. *Kansas City, etc., R. Co.*, 38 Kan. 634, 16 Pac. 942; *Spence* v. *Chi. R. I. & P. Ry. Co.*, *supra.*

A carrier may in some States provide for a waiver of its common law liability for the negligence of its servants, by persons riding on trains not intended for passengers, and such waiver is valid. *Arnold* v. *Ill. C. Ry. Co.*, 83 Ill. 273, 25 Am. Rep. 383. This would seem sound on principle, but the weight of authority seems the other way. Since no duty rests upon a railroad to carry passengers upon trains not intended for passenger service, it would seem that they should be allowed to impose any reasonable conditions precedent to the right to become a passenger, such as a limitation of liability for accident. *Arnold* v. *Ill. C. Ry. Co., supra; contra, Cent. of Ga. Ry. Co.* v. *Lipmann*, 110 Ga. 665, 36 S. E. 202, 50 L. R. A. 673; *Sullivan-Sandford Lumber Co.* v. *Watson* (Tex. Civ. App.), 135 S. W. 635.

It is held in Michigan that the ordinary rule applicable to common carriers of passengers do not apply to logging roads. *Ingersoll* v. *D. & M. R. Co.*, 168 Mich. 380, 134 N. W. 441. And this would tend to support the decision in the principal case.

It is also suggested in the main decision that since the car whose faulty loading caused the death of the deceased was loaded by his fellow employees, the doctrine of fellow servant might bar a recovery. But it is the duty of the railroad to inspect cars offered to it for transportation. See *Van Auken* v. *Mich., etc., R. Co., supra.* Hence the negligence of the railroad company in accepting the car was the proximate cause of the injury, and the prior negligence of the loaders becomes immaterial. *Burnham* v. *St. Louis, etc., R. Co.*, 56 Mo. 338. See also, *Milwaukee, etc., R. Co.* v. *Kellogg*, 94 U. S. 469.

CARRIERS — RATES — DISCRIMINATION — MEASURE OF DAMAGES.—A statute prohibited discrimination by a common carrier and further made the carrier liable in damages to any person injured by a violation of the statute. The plaintiff paid the lawful rate, while another shipper was given an unlawful rebate. In an action against the carrier to recover under the statute, the plaintiff claimed a like rebate on his own ship-

ments, as a measure of the damage suffered by him. *Held,* the plaintiff can recover such rebate. *Sullivan* v. *Minneapolis & R. R. Ry. Co.* (Minn.), 149 N. W. 134. See NOTES, p. 281.

CONSTITUTIONAL LAW—UNREASONABLE DISCRIMINATION—STATE REGULATION OF SALES OF STOCKS, BONDS AND SECURITIES.—A State statute by its terms prohibited citizens of other States, owning stocks, bonds, certificates, or other securities, although the same are listed on the exchanges of the country and have a well-established actual and salable value, from either bringing or sending them into the State for the purpose of negotiating for their sale to any person in the State, unless they obtain from the Secretary of State a certificate and pay a license fee for the same. *Held,* the act is unconstitutional. *William R. Compton Co.* v. *Allen,* 216 Fed. 537.

In the principal case, the court declared the statute invalid, because it imposed a direct burden upon interstate commerce, further, because by its terms it imposed burdens upon and denied privileges to citizens of other States which are not imposed upon, and which are granted to citizens of its own State. This being an arbitrary discrimination bearing no reasonable relation to the object of the police regulation, denying to citizens of other States privileges and immunities guaranteed to them under the United States Constitution.

That stocks, bonds and securities are subjects of interstate commerce would seem to be well settled. *Alabama & N. O. Trans. Co.* v. *Doyle,* 210 Fed. 173. The liberty to carry on any lawful business is within the protection of the Fourteenth Amendment, and any limitations on this liberty must be justified under the police power of the State. *Allgeyer* v. *Louisiana,* 165 U. S. 578; *Adair* v. *United States,* 208 U. S. 161. But in order to curb the unlimited exercise of the police power, and to secure to individuals the benefits of the various constitutional guaranties, the courts have laid down the rule that the State legislature must not, under the guise of police regulations, make arbitrary discrimination between citizens of its own State and those of other States engaged in the same business under like circumstances. *Smith* v. *Farr,* 46 Colo. 364, 104 Pac. 401; *Bacon* v. *Locke,* 42 Wash. 215, 83 Pac. 721. In whatever language a statute may be framed, its purpose and its constitutional validity must be determined by its natural and reasonable effects. *Henderson* v. *Mayor of New York,* 92 U. S. 259. A State may require a license to engage in business but such license must be uniform and not discriminate in favor of its own citizens as against those of other States. And a statute which is not uniform in its operation, but in favor of one and against another, when each are engaged in the same business is unconstitutional. *Ames* v. *People,* 25 Colo. 508, 55 Pac. 725. A State statute imposing a license fee on citizens of other States who bring stock into the State for grazing, when such fee is not required of citizens of its own State is not a valid inspection law but discriminatory and unconstitutional. *State* v. *Butterfield Live Stock Co.,* 17 Idaho 441, 106 Pac. 455.

Protecting the ignorant and improvident from loss in stocks or se-